

REMARKS

Introduction

Claims 69-126 are pending in this application. Of those, claims 115-126 have been withdrawn from consideration as being drawn to non-elected inventions.

Claims 76 and 99 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement.

Claims 69, 70, 74, 77, 78, 80, 82, 86, 89, 92, 93, 97, 100, 101, 103, 105, 109, and 112 are rejected under 35 U.S.C. § 102(e) as being anticipated by Jacobi et al. U.S. Patent No. 6,064,980 (hereinafter "Jacobi").

Claims 71-73, 75, 79, 81, 83-85, 94-96, 98, 102, 104, and 106-108 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jacobi.

Claims 76 and 99 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jacobi in view of Klosterman et al. U.S. Patent No. 6,469,753 (hereinafter "Klosterman").

Claims 87, 88, 110, and 111 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jacobi in view of Aras et al. U.S. Patent No. 5,872,588 (hereinafter "Aras").

Claims 90, 91, 113, and 114 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jacobi in view of Ellis et al. U.S. Patent No. 6,470,497 (hereinafter "Ellis").

Reconsideration of this application in light of the following remarks is hereby respectfully requested.

Applicants' Reply to the Rejection of
Claims 76 and 99 under 35 U.S.C. § 112

Claims 76 and 99 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. In particular, the Examiner contends that the feature "wherein selecting a geographic area defines a list of users" is "not supported in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention" (Office Action, page 3, lines 1-4). The Examiner's rejections are respectfully traversed.

Applicants respectfully disagree and refer the Examiner to applicants' specification at the paragraph beginning on page 23, line 16. That paragraph discloses that a "user is provided with opportunities to select the type of real-time ratings information that the user desires to view."

In one described embodiment, the user may select to view real-time ratings information for a specific geographic area, such as, for example, the entire nation, the state, the metropolitan area, a city, or town, etc. By selecting to view real-time ratings information for a defined area, the user has requested to view the real-time rating information collected from those users in the defined area. Thus, by selecting the geographic area, the user has defined a list of users (i.e., all suitable users in the selected geographic area).

To satisfy the enablement requirement, applicants' specification must enable "any person skilled in the art [to] make and use the invention without undue experimentation" (In re Wands, 858 F.2d at 737, 8 U.S.P.Q.2d at 1404 (Fed. Cir. 1988) as cited in MPEP § 2164.01). Applicants submit that the disclosure described hereinabove, in addition to the disclosure provided in the remainder of applicants' specification, is sufficient to satisfy the enablement requirement with regard to claims 76 and 99.

Accordingly, applicants submit that claims 76 and 99 are in compliance with 35 U.S.C. § 112, first paragraph. Applicants respectfully request that the rejection of claims 69 and 92 be withdrawn.

Applicants' Reply to the
Rejections under 35 U.S.C. § 102(b)

Claims 69, 70, 74, 77-78, 80, 82, 86, 89, 92, 93
97, 100-101, 103, 105, 109, and 112 are finally rejected
under 35 U.S.C. § 102(e) as being anticipated by Jacobi. The
Examiner's rejections are respectfully traversed.

Applicants' independent claims 69 and 92 are
directed towards a system and method for providing real-time
ratings to users. Real-time ratings information is collected
based on the activities of at least one user at user
television equipment at a plurality of locations and the
real-time ratings information is displayed on the user's
television equipment in real time. For example, information
about the activities of at least one user are collected, such
as, what programs the user watches, and this information may
be used to display on the user's television equipment "how
popular (or unpopular) certain television programs are"
(Applicants' Specification, page 20, lines 3-28).

Jacobi, however, discloses a very different type of
system. Jacobi does not collect real-time rating information
and does not display the real-time ratings information on the
user equipment in real time. Instead, Jacobi refers to a
system that generates recommendations of books that the user

might enjoy based on the user's ranking of books. The Jacobi system *periodically* generates a "start list" containing the most popular books in the system and presents this "start list" for other, new users to rank (see Jacobi, column 6, line 66 through column 7, line 2). Nothing in Jacobi is collected in *real time* or displayed in *real-time* as required by applicants' claims.

Accordingly, for at least the above reasons, applicants' independent claims 69 and 92 are allowable over Jacobi. Applicants respectfully request that the rejection of claims 69 and 92 be withdrawn.

Claims 70, 74, 77, 78, 80, 82, 86, 89, 92, 93, 97, 100, 101, 103, and 105 are allowable at least because they variously depend from allowable independent claims 69 and 92. Applicants respectfully request that the rejection of claims 70, 74, 77, 78, 80, 82, 86, 89, 92, 93, 97, 100, 101, 103, and 105 be withdrawn.

Applicants' Reply to the
Rejections under 35 U.S.C. § 103(a)

Claims 71-73, 75, 79, 81, 83-85, 94-96, 98, 102, 104, 106-108 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jacobi. Claims 71-73, 75, 79, 81, 83-85, 94-96, 98, 102, 104, 106-108 are allowable at least because

they variously depend from allowable independent claims 69 and 92. Applicants respectfully request that the rejection of claims 71-73, 75, 79, 81, 83-85, 94-96, 98, 102, 104, 106-108 be withdrawn.

Claims 76 and 99 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jacobi in view of Klosterman. Claims 76 and 99 are allowable at least because they depend from allowable independent claims 69 and 92 respectively. Applicants respectfully request that the rejection of claims 76 and 99 be withdrawn.

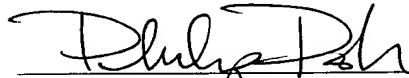
Claims 87, 88, 110, and 111 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jacobi in view of Aras. Claims 87, 88, 110, and 111 are allowable at least because they depend from allowable independent claims 69 and 92 respectively. Applicants respectfully request that the rejection of claims 87, 88, 110, and 111 be withdrawn.

Claims 90, 91, 113, 114 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jacobi in view of Ellis. Claims 90, 91, 113, 114 are allowable at least because they depend from allowable independent claims 69 and 92 respectively. Applicants respectfully request that the rejection of claims 90, 91, 113, 114 be withdrawn.

Conclusion

For at least the foregoing reasons, applicants respectfully submit that this application is in condition for allowance. Reconsideration and allowance of this application are respectfully requested.

Respectfully submitted,



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